

Mar. 23, 1977

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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POLICE DEPARTMENT EMPLOYEES,  
Affiliated with the International  
Brotherhood of Police Officers  
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:  
and  
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TOWN OF MERRIMACK, NEW HAMPSHIRE  
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CASE NO. P-0704

77-11

APPEARANCES

Representing the Town of Merrimack, New Hampshire:

- Nelson R. Disco, Member, Board of Selectmen
- Donald R. Dwyer, " " " "
- John F. Pelletier, Chief of Police
- George E. Howe, Administrative Assistant to Board

Representing the Police Department:

- George F. Rousseau, Vice President

FINDINGS

On September 16, 1977, the Merrimack Police Department employees, Affiliated with the International Brotherhood of Police Officers, filed a petition with PELRB for an election to determine the exclusive representative for the employees of the Department. Signed authorization cards accompanying the petition constituted over 30% of the regular employees, as required by RSA 273-A:10(a).

Exceptions to the unit as petitioned by the employees of the Police Department were filed on January 19, 1977 by George E. Howe, Administrative Assistant to the Board of Selectmen, who indicated that an agreement had been reached on the exclusion of the Chief, Deputy Chief, Captain, Lieutenant and the Detective Lieutenant. In contention, however, were the Line Sergeants and the Detective Sergeants.

PELRB held a hearing at 11:00 a.m., February 9, 1977, in Room 306 of the Legislative Office Building, Concord, New Hampshire, to hear evidence in support of both the Public Employer and Public Employee positions.

The Public Employee Labor Relations Board found that there appeared to be a general agreement as to the makeup of the bargaining unit between the Public Employer, Town of Merrimack, and the Public Employee, Merrimack Police Association, with the exception, as stated above, the Sergeants in the Department.

The Town of Merrimack in this case alleged that the Sergeants should be excluded because of the supervisory nature of the duties performed and the responsibilities assigned to them in the chain of command by the organizational structure of the Department.

The Public Employee, the Police Association, alleged that the Sergeants did not possess the supervisory responsibilities alleged by the Public Employer.

Testimony at the hearing brought forth a description by the Chief of Police of the organizational structure of the Department and evidence produced further indicated that the Sergeants would, in fact, perform patrolmen duties on a regular assigned basis, and that any administrative or supervisory duties assigned them would be assumed by the next senior man which, in fact, might be a corporal of the Department or a patrolman. Further, indications place the Sergeants, at best, as a working supervisor with limited supervisory responsibilities.

Evidence further indicated that the community of interest of the Sergeants was more with the patrolmen and other officers of the Department, rather than with the administrative policymaking staff of the Department.

The Public Employer brought out the responsibility for reports assigned to the Sergeants as part of their supervisory responsibilities, however, testimony did indicate that all officers share certain responsibilities with all departmental reporting.

The Supervisory responsibilities contended by the Public Employer did not appear to be persuasive to the Board.

After hearing all of the evidence and testimony, the Public Employee Labor Relations Board rules, as follows:

ORDER

The Bargaining Unit for the Merrimack Police Department shall consist of all full-time regular patrolmen up to and including line sergeants and detective sergeants, but shall exclude Chief, Deputy Chief, Captains and Lieutenants.

Further, that an election to determine the exclusive representative for the Merrimack Police Department will be held in the very near future.

  
Edward J. Haseltine, Chairman  
Public Employee Labor Relations Bd.